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Application No. 10/803,647

Filed: March 18, 2004

TC Art Unit: 1743

Confirmation No.: 5353

REMARKS

The foregoing amendment is filed in response to the official action dated October 19, 2005, in the above-referenced application. Reconsideration is respectfully requested.

The status of the claims is as follows:

Claims 1-7, 9-10, and 13-22 are currently pending.

Claims 1-6, 13-16, 19, and 21 are allowed.

Claims 9-10 stand rejected.

Claims 7, 17-18, 20, and 22 are objected to.

Claims 7 and 9-10 have been canceled without prejudice.

The Examiner has objected to claims 17-18, 20, and 22 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the official action indicates that claim 1 requires that the transponder is arranged outside the absorption material (see Figs. 9-10 of the application), which is inconsistent with the transponder being embedded in the material or between two sieves (see Figs. 6-8 of the application). The Applicants respectfully traverse these objections to claims 17-18, 20, and 22 under 37 C.F.R. 1.75.

For example, claim 17 recites the device according to claim 1, wherein the transponder is fixed between two sieves. Such a

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device is illustrated in Fig. 6 of the application, as originally filed. Specifically, Fig. 6 depicts a cross-sectional view of a sampling tube 19 including a receiving cavity 19a. As shown in Fig. 6 of the application, an absorption material 23 is received within the receiving cavity 19a, and is confined between two sieves 24, 25. As recited in base claim 1 and illustrated in Fig. 6 of the application, a transponder 3 is arranged within the sampling tube 19 outside the absorption material 23. Further, the transponder 3 is fixed in its position outside the absorption material 23 by a third sieve 26. The transponder 3 is therefore fixed between the two sieves 25 and 26, while remaining outside the absorption material 23 (see page 6, lines 5-16, and Fig. 6, of the application).

The Applicants therefore respectfully submit that claim 17 further limits the subject matter of claim 1, from which claim 17 depends. For example, claim 17 further refines the arrangement of the transponder within the sampling tube and outside the absorption material by reciting that the transponder is also fixed between two sieves. Accordingly, it is respectfully submitted that claim 17 and claims 20 and 22 dependent therefrom satisfy the requirements of 37 C.F.R. 1.75(c) and therefore the objections to

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claims 17, 20, and 22 under 37 C.F.R. 1.75 are unwarranted and should be withdrawn.

In addition, claim 18 recites the device according to claim 1, wherein the transponder is fixed between two confined portions of the sampling tube. Such a device is again illustrated in Fig. 6 of the application, as originally filed. Specifically, Fig. 6 depicts the sampling tube 19 including the receiving cavity 19a, within which the absorption material 23 is received. As shown in Fig. 6 of the application, the absorption material 23 is confined within the receiving cavity 19a between the two sieves 24, 25. The region of the sampling tube 19 between the two sieves 24, 25, within which the absorption material 23 is disposed, therefore defines a first confined portion of the sampling tube 19.

As further shown in Fig. 6 of the application, the transponder 3 is fixed between the two sieves 25, 26. In addition, the sampling tube 19 is closed at both ends by Teflon caps 21 and 22, respectively. The region of the sampling tube 19 between the sieve 26 and the Teflon cap 22 therefore defines a second confined portion of the sampling tube. Accordingly, as depicted in Fig. 6 of the application, the transponder 3 is fixed between the above-defined first and second confined portions of

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the sampling tube 19, while remaining outside the absorption material 23 (see also page 6, lines 5-16, of the application).

The Applicants therefore respectfully submit that claim 18 further limits the subject matter of claim 1, from which claim 18 depends. For example, claim 18 further refines the arrangement of the transponder within the sampling tube and outside the absorption material by reciting that the transponder is also fixed between two confined portions of the sampling tube. Accordingly, it is respectfully submitted that claim 18 satisfies the requirements of 37 C.F.R. 1.75(c), and therefore the objection to claim 18 under 37 C.F.R. 1.75 is unwarranted and should be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is in a condition for allowance. Early and favorable action is respectfully requested.

The Examiner is encouraged to telephone the undersigned Attorney to discuss any matter that would expedite allowance of

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the present application.

Respectfully submitted,

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